RESPONDING TO CHILD ABUSE

A HANDBOOK

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This document is intended for:

Child Care Providers	✓
Law Enforcement Officials	✓
Social Workers	
Doctors and Other Health Care Providers	✓
Educators	✓
Mental Health Workers	✓
Child and Youth Workers	✓
Residential Care Providers	✓
Government Employees	✓
Volunteers	✓

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Reporting Child Abuse/Neglect: An Overview

Duty to Report Abuse or Suspected Abuse

Anyone who has reason to believe, and believes, that a child has been, or there is substantial risk that he or she will be abused or neglected by a parent/guardian, has a legal duty under the *Child Welfare Act* to promptly report the matter to a child welfare worker.

How to Report

Report to a child welfare worker at your local child welfare office. Many First Nations have a child welfare agency that provides child protective services on reserves. If you are unable to reach the local office or it is after business hours, call the **Child Abuse Hotline at 1–800–387–5437**.

The child welfare worker:

- determines whether the child needs protective services
- contacts the police if a criminal investigation is required
- co-ordinates a response with other agencies, if necessary.

What to Report

Your report should include:

- your name, telephone number and relationship to the child (this information remains confidential)
- any immediate concerns about the child's safety
- the location of the child
- the child's name
- the child's age
- information on the situation
- any other relevant information concerning the child and/or family.

See pages 13–14 for an extensive list.

CHILD ABUSE HOTLINE 1–800–387–5437

Introduction

This handbook provides guidelines for the reporting and investigating of child abuse to a network of professionals, including child care providers, law enforcement officials, social workers, doctors and other health care providers, educators, mental health workers, child and youth workers, residential care providers, government employees and volunteers, with the overriding goal of ensuring the safety and well-being of Alberta's children.

Children depend on others for their safety and well-being. They have a right to be protected from abuse and neglect.[1] Professionals who respond to child abuse must understand the problem so responses are better co-ordinated and more effective.

The Government of Alberta is committed to working co-operatively with professionals and community organizations to enhance child abuse reporting and investigation. That means working together to prevent child abuse and neglect whenever possible — and, when it happens, reporting it.

The *Child Welfare Act* (1984) addresses only abuse that is caused or allowed by the child's parent/guardian. This handbook focuses on abuse under the *Child Welfare Act*. However, it also discusses abuse not covered by the *Child Welfare Act*.

Your responsibility to report child abuse under the *Child Welfare Act* is set out in law. The *Child Welfare Act* requires every person who has a reason to believe, and believes, that a child has been, or there is substantial risk that he or she will be abused or neglected by a parent/guardian, or might need protection, to promptly report the matter to a child welfare worker.

Some offences committed against children fall under the *Criminal Code of Canada*. They include: physical assault, sexual assault and other sexual offences, abandoning a child and failing to provide the necessities of life. Police are responsible for conducting an investigation and deciding whether there are grounds to lay charges. The *Criminal Code*

[1] Neglect is considered to be a form of abuse, therefore, when the term "child abuse" is used within this document, neglect is also implied.

of Canada does not set

out a requirement to report an offence. Charges can also be laid under the *Child Welfare Act* and the *Protection of Children Involved in Prostitution Act.*

This handbook covers:

- how to recognize abuse and neglect
- how to respond to a disclosure of abuse or neglect from a child
- how to report abuse and neglect, and intervene
- how investigations are undertaken and the role of service providers
- the rules governing the sharing of information among service providers
- the importance of collaboration among all those working with children and families.

Purpose

This handbook provides a framework for a network of local service providers to work together to:

- recognize child abuse
- ensure children are protected, and their families supported and assisted throughout the investigation process
- develop a co-ordinated and collaborative approach for reporting and investigating child abuse
- create a guide for developing and implementing local reporting and investigating policies and practices
- ensure groups or individuals working on behalf of children are aware of their responsibilities.

Note: This document IS NOT INTENDED to address the issue of disclosing information if police lay a criminal charge. More information on disclosing information is found on page 34.

Guiding Principles

- The protection and safety of children are everyone's concern.
- The primary responsibility for ensuring the safety and well-being of children lies with each child's parents/guardians. Child protective services intervene only when parents/guardians are unable or unwilling to fulfill their parental responsibilities.
- The protection and best interests of children prevail over the interests of parents/guardians or families when cases of child abuse are reported and/or investigated.
- Those responsible for abusing children are held accountable.
- Cultural, family and community factors are considered during investigations.
- Those who investigate cases of child abuse work together on behalf of the child and family.
- The preservation, health and development of children and families are encouraged and continually supported. The policy and practices of government ministries, key professionals and community stakeholders reflect this value while respecting the family's **and child's** right to privacy.

Recognizing Child Abuse

Understanding what child abuse and neglect are, and knowing how to take appropriate action are critical to ensure the safety and well-being of children.

The following are possible indicators of child abuse. While they might indicate abuse, they might also indicate other problems. By themselves, they don't prove abuse but do indicate a need for attention. This list does not cover all factors since each situation is unique. In some situations of apparent abuse, the damage might be the result of an accident.

If you have any doubt, call Child Welfare and discuss the situation without initially providing names. Decide with the child welfare worker whether to make a report.

Neglect

Neglect is failure to provide a child with the necessities of life, including failure to obtain needed medical, surgical or other treatment.

Neglect is not always obvious. It can affect the child's maturation process and can have serious, long-term psychological effects.

Physical Indicators	Behavioural Indicators
• has unattended medical or dental problems, such as infected sores, decayed teeth, lack of needed glasses • is underweight, dehydrated • has poor hygiene • is emaciated or has a distended stomach • lacks clean or appropriate clothing suitable for the weather	• demands constant attention • has parents/guardians who are uninvolved and uninterested • indicates that parents/ guardians are rarely home to look after them, has inadequate supervision, is left alone or in the care of another child who is too young • has obvious lack of energy • has poor school attendance • expresses persistent hunger

Physical Abuse

Physical abuse is an intentional, substantial and observable injury to a child.

Children often explain injuries by attributing them to accidents in play or sibling conflict. If you have any doubt, call a child welfare worker for help in deciding whether to make a report.

Physical Indicators	Behavioural Indicators
• has unexplained (or poorly explained) bruises and welts • has a number of scars in a regular pattern • has bruises of varying colours in the shape of an object (cord, rope, belt, buckle, clothes hanger) • has bald spots or missing teeth • has human bite marks • has unexplained burns; for example, – cigarette-shaped burns – immersion burns; e.g., glove-shaped, sock-shaped – electric iron or burner-shaped burns • has unexplained (or poorly explained) fractures, sprains, dislocations or head injuries • has unexplained (or poorly explained) cuts and scrapes • has inflamed tissue suggesting scalding • has consumed a poisonous, corrosive or non-medical, mind-altering substance	• is defensive about injuries • has low self-esteem • is wary of physical contact with adults • is apprehensive when other children cry • reports injury by parent/guardian • wears clothing that covers body even though the weather is warm • cannot tolerate physical contact or touch • has behavioural extremes, such as aggression or withdrawal • runs away often • is unable to form good peer relationships • is reluctant to undress when others are around

Sexual Abuse

Sexual abuse is inappropriate exposure or subjection to sexual contact, activity or behaviour, including prostitution-related activities. Sexual abuse might show itself in a broad range of indicators. Although these indicators might reveal sexual abuse, they might also reveal other psychological or physical trauma.

Disclosure

The single most important indicator is a child telling someone about the abuse. The disclosure might be direct or indirect. Children commonly delay telling anyone about chronic or even acute sexual abuse. All disclosures should be taken seriously.

Physical Indicators	Sexual Behavioural Indicators
• has a sexually-transmitted disease • has genital discharge, infection or bleeding • has physical trauma or irritations in the anal and genital areas • has pain on urinating or defecation • has difficulty walking or sitting due to genital or anal pain • has stomach aches, headaches or other psychosomatic complaints	• expresses premature or inappropriate understanding of sexual behaviour • displays inappropriate, unusual or aggressive sexual behaviour with peers or toys • masturbates compulsively • is excessively curious about sexual matters or genitalia of others or self • displays unusually seductive behaviour with teachers, classmates or other adults • expresses excessive concern about homosexuality (especially in boys)

Behavioural Indicators in Young Children	Behavioural Indicators in Older Children and Adolescents
• wets pants (in a previously trained child) • soils pants • has eating disturbances (over-eating or under-eating) • has fears/compulsive behaviour • has school problems or significant change in school performance • displays age-inappropriate behaviour, pseudo-maturity or regressive behaviour, such as bed-wetting and thumb-sucking • is unable to concentrate • has sleep disturbances, such as nightmares, fear of falling asleep and sleeping long hours	• withdraws • is depressed • is overly compliant • has poor hygiene or excessive bathing • has poor peer relations and social skills, inability to make friends • acts out: – runs away – is aggressive – is delinquent • abuses alcohol or drugs • has school problems, frequent absences, sudden drop in school performance • refuses to undress in front of others • refuses to participate in sports or social activities • fears showers or washrooms • fears or avoids being at home • suddenly fears new things, such as going outside or participating in activities • has extraordinary fear of males • is extraordinarily self-conscious about body • suddenly obtains money, new clothes or gifts without good explanations • engages in prostitution or promiscuity • attempts suicide or displays self-destructive behaviour • cries without provocation • sets fires

Emotional Abuse

Emotional abuse is the substantial and observable impairment of a child's mental or emotional functioning that is caused by:

- rejection
- deprivation of affection and/or cognitive stimulation
- exposure to domestic violence or severe domestic disharmony
- inappropriate criticism, threats, humiliation, accusations or expectations
- the mental or emotional condition of a parent/guardian
- chronic alcohol or drug abuse by anyone living in the child's home.

A child's appearance might not indicate the existence or extent of the problem. He or she might appear clean, well-groomed and well-nourished. Yet the child might seem sad, depressed, timid, angry or withdrawn. If possible, determine whether the parents/guardians are displaying behaviours that could be causing the child's impairment.

Parent's/Guardian's Behavioural Indicators	Child's Behavioural Indicators
• blames or belittles the child in public and/or at home • withholds comfort when the child is frightened or distressed • treats other children in the family better (more acceptance and less criticism) • tends to describe the child in negative ways (stupid, bad, trouble-maker, useless) and predict future failure for the child • holds the child responsible for the parent's/guardian's problems and disappointments • identifies the child with disliked relatives	• is overly compliant, passive or shy • has episodes of aggressive, demanding and angry behaviour • fears failure, has trouble concentrating, has trouble learning, gives up easily • is either boastful or negative about self • constantly apologizes • cries without provocation • is excessively demanding of adult attention

Talking to a Child

If a child discloses abuse to you, do not probe for details. Listen to the information provided and record it as soon as possible in the child's own words. Be supportive and let the child know it is right to tell someone.

Here are some suggestions for talking to a child about abuse. It is important to be a good listener and avoid probing the child for information.

Do:	Don't:
✓ find a private, quiet place to listen ✓ listen in a calm, non-judgemental manner ✓ reassure the child that it is right to tell ✓ assure the child that what happened was not his or her fault ✓ acknowledge the child's feelings ✓ say "I'll try to help" ✓ write down what you heard and saw: – as soon as possible – quoting the child's words as much as possible – using words that describe things you can see or hear – keeping your notes and information confidential and secure	× interrupt the child's story × promise to keep disclosure confidential × ask leading questions × show horror or anger × conduct your own investigation × provide opinions or judgements × promise the child what the next steps will be × promise that things will get better

Obligation to Report

Section 3(1) of the *Child Welfare Act* states:

> *"ANY PERSON who has reasonable and probable grounds to believe and believes that a child is in need of protective services shall forthwith report the matter to a director."*

To report "forthwith . . . to a director" means promptly notifying a director under the *Child Welfare Act* or a person who has the director's delegated authority.

There is more than one child welfare director in Alberta. These directors delegate specific authority to other staff. Some directors work in the Ministry of Children's Services and others are appointed by First Nations child welfare agencies that have authority to provide their own child welfare services.[2] Under the *Child Welfare Act*, a director formally delegates child welfare authority in writing to certain child welfare workers. Workers with delegated authority must carry identification cards or Letters of Delegation.

To make a report, contact a child welfare worker at your local child welfare office. Many First Nations have a child welfare agency that provides child protective services on reserves. If you are unable to reach the local office or it is after business hours, call the Child Abuse Hotline at 1–800–387–5437. See page 13 for more on reporting.

If you are uncertain about whether to report, call and discuss the situation with a child welfare worker. It is not up to you to determine whether your observations are sufficient evidence for an investigation. That decision is made by the child welfare worker in consultation with a supervisor.

[2] Contact a local child welfare office to determine which Aboriginal community or agency has delegated child welfare authority.

The legal obligation to report is not fulfilled unless the report is made directly to a child welfare director or a delegated child welfare worker. This must occur even if it is known that Child Welfare is already involved. Anyone failing to report suspected child abuse while having "reasonable and probable grounds to believe a child is in need of protective services" is guilty of an offence and liable to a fine of not more than $2,000. Default of payment of this fine can lead to imprisonment for a term up to six months. The *Child Welfare Act* also states that the duty to report child abuse overrides any right of confidentiality or privilege a person may claim. The exception is the privileged relationship between lawyers and their clients.

The *Child Welfare Act* provides that when any person makes a report, no action can be taken against that person unless the report is made maliciously or without reasonable and probable grounds.

Everyone other than a child welfare worker or police officer who receives a disclosure of child abuse of parent/guardian from a child should refrain from interviewing the child. **They should not notify the child's parents/guardians**. Instead, they must report directly to a child welfare worker. They should also continue to maintain contact and support the child pending an investigation. Once the report is received, a worker decides, in consultation with the supervisor, whether an interview of the child is required for investigative purposes. The worker assumes responsibility for notifying the child's parents/guardians.

Reporting

If a child discloses abuse to you, do not probe for details. Listen to the information provided and record it as soon as possible in the child's own words. Be supportive and let the child know it is right to tell someone. See Talking to a Child, page 10.

As soon as possible, report the matter to a child welfare worker. As well as the details of the disclosure, provide as much of the following information as possible:

- your name
- your telephone number
- your relationship to the child and how long you've known the child
- whether the child or family know you are reporting
- the child's name
- the child's sex
- the child's birth date
- the child's address
- the child's telephone number
- the child's school or child care program and current location
- whether the child is Aboriginal and, if so, whether the child belongs to an Aboriginal community
- the name, address, telephone number and relationship of the alleged perpetrator
- the name, address, telephone number and work place of the parents/guardians
- if the child disclosed it:
  - when and where the abuse took place
  - how long the abuse has been going on
  - whether the situation has worsened
  - current location of the abuser or parents/guardians.
- your own observations or other indicators of abuse (see Recognizing Child Abuse, pages 5–10)
- whether you are aware of any efforts made to resolve the situation, and the results
- the child's condition and any concerns about the child's immediate safety
- whether you know of other professionals or agencies involved with the family or anyone else who might provide relevant information
- whether you know anything about the situation or alleged perpetrator that might pose a threat to an investigator

- whether you can provide a place in your facility to interview the child
- whether there is any language barrier or disability that would require assistance in communication.

Child Protection Involvement

Upon receiving a report, Child Welfare is responsible for deciding whether there are grounds to commence a child protection investigation and for conducting such an investigation. This role does not replace the responsibility of children's parents/guardians to protect and seek appropriate services whenever their children might be endangered.

Child welfare workers draw their authority from the provincial *Child Welfare Act* (1984). The *Child Welfare Act* applies to situations where a child is in need of protective services. It states that a child (anyone under 18 years of age) is in need of protective services if there are reasonable and probable grounds to believe the child's survival, security or development is endangered by the action or inaction of the parent/guardian. (See Appendix A, pages 51–52 for the *Child Welfare Act* definition of a child in need of protective services.)

The *Child Welfare Act* has been amended to read that children engaged in prostitution are victims of sexual abuse and require protection. (See also the *Protection of Children Involved in Prostitution Act,* 1999.)

Police Involvement

The police are responsible for deciding whether there are grounds to commence a criminal investigation in a reported case of child abuse and for conducting the criminal investigation. Their authority for dealing with the criminal aspects of child abuse is drawn from the *Criminal Code of Canada*. The *Criminal Code of Canada* sets out all criminal offences, the penalties for committing them and the procedures for dealing with people accused of committing them. Children under the age of 12 cannot be charged with a criminal offence.

In addition to their criminal investigation responsibilities, police may provide protective services under three pieces of legislation.

- Under the *Child Welfare Act*, a police officer may apprehend a child whose life or health is seriously and imminently endangered.

- Under the *Protection of Children Involved in Prostitution Act*, a police officer may apprehend a child who is engaging in or attempting to engage in prostitution.
- Under the *Protection Against Family Violence Act*, a police officer may obtain an order to remove the alleged abuser or a warrant to assist the alleged victim in a situation of family violence.

Confidentiality

Information obtained during a child protection investigation is confidential. This is to protect the child, to provide anonymity to the person who reported and to respect the privacy of the family.

Child welfare records are protected by both the *Freedom of Information and Protection of Privacy Act* and Section 91 of the *Child Welfare Act*. Child Welfare records may only be provided to the individuals or agencies listed in Section 91(2) of the *Child Welfare Act*. If another professional is working with the child, that person is provided only the information he or she needs to provide the service or help with the investigation. For example, information might be provided to the child's psychologist, doctor or teacher. A judge may get information that is relevant to a case in court.

The child and the parent/guardian who is involved in the child's care may also obtain information from the record and either one may give consent for a third party to obtain information. For example, they might want their lawyer or private counsellor to have relevant information.

As well, people named in the record may obtain the information about themselves if this does not invade the privacy of another person. Under the *Freedom of Information and Protection of Privacy Act*, they have the right to obtain copies of most documents about themselves as long as all information that unreasonably invades another person's privacy has first been removed.

The following information is typically confidential.

- The *Child Welfare Act* protects the identity of the person who reported that a child needed protective services. It may be disclosed only with the Minister's written consent.
- The *Child Welfare Act* also protects information provided by an agent of Alberta Justice and Attorney General. It may be disclosed only with the written consent of the Minister of Justice and Attorney General or his or her agent.
- The *Young Offenders Act* protects all information about a youth's involvement with the young offenders system. It may be disclosed only according to the *Act*.

If a child welfare worker believes a crime has been committed, the child welfare worker is authorized to disclose information to police who may commence a criminal investigation.

In the course of a criminal investigation, child welfare workers may disclose relevant information to officers involved in the investigation of an offence. Information shared with police is subject to disclosure to the accused.

Confidentiality and protection of privacy of information which is part of a criminal investigation is determined by the *Criminal Code of Canada* and rules set down in the criminal case law. A judge may order the information from the prosecution file, and may make it accessible to the accused.

If information related to the offence is in the records of third parties (including the child welfare case file) and not part of the investigation or prosecution file, disclosure is subject to a review process conducted by a judge. If a record is "likely to be relevant to an issue at trial or to the competence of a witness to testify" and "the production of the record is necessary in the interests of justice," a judge might order disclosure to the accused.

Record Disclosure for Criminal Investigation

It is necessary to distinguish records which are part of the investigation of an offence and those which are collected for other purposes. This requires having clear definitions of record keeping, and knowing the difference between criminal and child protection investigations. This identification of differences facilitates determining whether information is shared or not. It also helps determine who has control or custody of someone's record.

This handbook discusses records that are collected or created for:

- child welfare workers or others for the purpose of a child protection investigation related solely to the treatment and care of an abused child. The record remains confidential under the *Child Welfare Act* and stays within the custody and control of the Ministry of Children's Services or other participant in the child protection investigation as applicable

- the process of an investigation of an offence by police. The record is in the custody or under the control of the police or prosecutor, if required for the prosecution.

SPECIFIC ROLES

The next four sections describe the specific roles of Children's Services staff, Health and Wellness staff, Learning staff, and Justice and Attorney General staff.

Children's Services

*(**Note:** The Ministry of Alberta Children's Services includes staff in the department, and in Child and Family Services Authorities.)*

The Role of the Child Welfare Worker

Child welfare workers determine whether a child is in need of protective services (as defined by the *Child Welfare Act*) and take necessary steps to ensure the child's safety.

Receiving a Report

When a child welfare worker receives an allegation of child abuse, the worker first determines whether the allegation fits the definition of a child in need of protective services under the *Child Welfare Act*. If not, the worker may suggest other resources for the child and family. If the allegation fits the definition, the worker accepts it as a report and consults a supervisor to determine whether the report should be investigated and what urgency to assign to the investigation.

In every case, allegations of child abuse under the *Child Welfare Act* must be reported directly to a child welfare worker. If someone other than a child welfare worker receives information that a child might be abused, that person should advise the informant that they have a legal duty to report the matter directly to a child welfare worker.

Assessing Risk and Protecting the Child

If the child might be in immediate danger, the investigation begins right away. Otherwise, it should begin within three days. The purpose of the investigation is to determine whether the child needs protective services as defined by the *Child Welfare Act*. If so, the worker must take steps to protect the child. If the child belongs to an Aboriginal community, the worker asks the relevant band, settlement or community to help assess the child's needs and plan services to protect the child.

Persons with Disabilities

When dealing with children with disabilities, persons involved in conducting child protection investigations should try to involve professionals with expertise in specific disabilities.

Obtaining Access to the Child

If a child welfare worker believes a child needs protective services but has been denied access to the child, the worker may apply to the Court for an order to search for and remove the child. This order authorizes the worker to enter a premise by force, if necessary, and remove the child. If there is not enough time to obtain an order, and the worker believes the child's life or health is seriously and imminently endangered, the worker may enter the home or premises without an order.

If possible, the worker should obtain police assistance when entering a premise under these circumstances. A police officer may also apprehend a child under these circumstances.

For more information on working together, see Co-ordinated Investigations Involving the Police, Child Welfare Worker and Others, pages 39–44.

Following the Investigation

The investigation ends once the child welfare worker gathers enough information to determine whether the child needs protective services. If the child does not need protective services, the worker may refer the child and family to other community agencies if the child has other needs. After working with the child, community agency personnel must make a report to Child Welfare if they believe the child needs protective services.

If the child welfare worker finds that the child needs protective services, the worker does one of the following.

- If the family agrees, the child welfare worker refers the child and family to a community resource that can provide the needed services without Child Welfare involvement. Personnel from the community agency must make a report to Child Welfare if they believe the child is in need of other protective services.
- The child welfare worker appoints a person to provide emergency care if the child is inadequately supervised because the parent/guardian cannot be located, has died or is incapacitated. The

caregiver may care for the child in the child's home or the caregiver's home for up to two days.

- The child welfare worker enters an agreement with the parent/guardian or child (over 16 and living independently) to provide services while the child lives either in or outside the home.
- The child welfare worker applies to the Court for an order to apprehend the child, provide mandatory supervision to the family or take guardianship of the child.

After the investigation, the child welfare worker should inform the person who made the initial report whether or not an investigation was conducted and why. This information must be general to maintain confidentiality.

Examples of services that may be provided to the child and family include:

- counselling
- in-home supports
- parenting courses and aides
- social development or therapeutic support workers
- mutual support groups
- temporary out-of-home placement.

A basic principle of the *Child Welfare Act* is that the child should be protected and maintained in his or her own home, if at all possible. If the child cannot be protected at home, removal of the child is necessary until the family is able to resume protecting the child or it is determined that they will not be able to within a reasonable time.

Whether the child remains at home or leaves, the child welfare worker works with the child, parent/guardian, extended family members and other relevant people to develop a case plan which identifies the protection concerns and the strategies for resolving them. The worker consults members of the extended family or community and includes them in the services whenever feasible. Case planning efforts are geared to helping parents/guardians resume their parental responsibilities as quickly as possible. If this is not possible, then other more permanent measures such as private guardianship, permanent guardianship and/or adoption may be considered.

In situations where other professionals are involved with the child; e.g., teacher, therapist or nurse, the child welfare worker provides them with the information they need to provide follow-up support to the child.

Abuse not Covered by the *Child Welfare Act*

As discussed earlier, this handbook focuses on abuse covered by the *Child Welfare Act*. This is abuse that is caused or allowed by the parent/guardian. It includes abuse by a person who is under the direct responsibility of the parent/guardian, such as a common-law spouse or a babysitter.

This section addresses abuse that is not covered by the *Child Welfare Act*. It addresses abuse that takes place in a facility outside the child's home or is caused by a person who is not under the responsibility of the parent/guardian.

Note: *Facilities outside the child's home include: day care facilities, schools, hospitals and juvenile correctional settings. Other people with regular access to children, who are not under the responsibility of the parent/guardian, include: coaches, pastors, employers, physicians and entertainers.*

In situations where abuse occurs in a facility outside the home, or is perpetrated by a person who is not the child's parent/guardian or under the responsibility of the parent/guardian, there is no obligation to report under the *Child Welfare Act.* If a person refers such a matter to a child welfare worker, the child welfare worker advises the referring person to report the matter to police and notify the parent/guardian, who can take steps to protect the child. The worker also contacts police to ensure the matter was reported. Child Welfare has no further involvement unless requested by police or other service providers, except in the following cases:

- If a child welfare worker receives a report where the alleged perpetrator is a school staff member, the child welfare worker notifies school officials, such as the school administrator or superintendent. School officials are to protect children who might have contact with the alleged perpetrator and to notify the professional body governing the staff member.
- If a child welfare worker receives a report where the alleged perpetrator is a staff member of a day care centre or is a family day home operator, the child welfare worker notifies the regional day care specialist who follows up with Licensing and the police.

- If police subsequently report that the child is at risk within the home or that the parent/guardian is not taking reasonable steps to protect the child, the child welfare worker and police co-ordinate their investigations. See pages 39–44 for more on co-ordinated investigations.

If the child is abused in a facility, the referring person should advise the parent/guardian to contact those responsible for the facility to ensure the child will be protected when he or she returns to the facility and that other children are protected.

The police are responsible for determining whether there are grounds for criminal charges. If the police or any other person has reason to doubt the parent's/guardian's ability or willingness to protect the child, Child Welfare investigates to determine whether the child is in need of protective services.

If the abuse occurs in a Young Offender Centre or the alleged perpetrator is a Young Offender Centre staff member, the procedures described in the *Young Offender Protocol* (available in child welfare offices) are to be followed.

The Role of Child Care Program Staff

The *Child Welfare Act* places the obligation to report child abuse by a parent/guardian with any individual who has reasonable grounds to believe abuse has occurred. This includes caregivers in day care centres, family day homes and early intervention programs. This obligation is not discharged until the individual has reported directly to a child welfare worker. Caregivers should also be familiar with the procedures described in the *Protocols for Handling Child Abuse and Neglect in Child Care Services* and any local procedures set by the Child and Family Services Authority.

The Role of Women's Shelter Staff

The *Child Welfare Act* places the obligation to report child abuse by a parent/guardian with any individual who has reasonable grounds to believe abuse has occurred. This includes shelter staff. This obligation is not discharged until the individual has reported directly to a child welfare worker. Women's shelter workers should also be familiar with the procedures described in the *Guidelines for Reporting and Investigating Suspected Cases of Children in Need of Protective*

Services in Women's Emergency Shelters. It is available from the Office for the Prevention of Family Violence.

Responding when a Child is Already in Care of a Child Welfare Director

If a report concerns a child already in the care of Child Welfare, the child welfare director or designate ensures that a complete and objective investigation takes place.

*(**Note:** The term "authority" used in this section refers to hospitals, health units, mental health clinics, Regional Health Authorities and the Provincial Mental Health Advisory Board.)*

The Role of Health Professionals/Personnel

Health professionals and other health personnel have a responsibility to be aware of the indicators of child abuse. Because of their knowledge, expertise and frequent contact with children and families, health professionals are often in a position to recognize when a child might be in need of protective services. As well, they can offer information and support to parents/guardians about health and safety for their children.

All health professionals are required by law, and their individual codes of ethics or codes of conduct, to comply with any legislation regarding the reporting of child abuse and refer any incompetent, illegal or unethical conduct by colleagues or other health care professionals to the appropriate authorities.

Many health or regional authorities have developed internal reporting procedures regarding suspected cases of child abuse. The *Child Welfare Act* places the obligation to report child abuse by a parent/guardian on the individual who has reasonable grounds to believe it has occurred. This obligation is not discharged until the individual has reported directly to a child welfare worker. The individual should then follow his or her organization's procedures for reporting abuse.

Those health personnel who are not governed by a professional body or the internal procedure of an authority are still under obligation to report any suspected child abuse by a parent/guardian.

Reporting Responsibilities and Procedures

Any disclosure made by a child to health professionals or personnel must be recorded in the child's own words. Health professionals, while continuing to support, should not interview the child about the abuse after receiving the child's disclosure. When reporting to a child welfare worker, health professionals and

personnel should provide the following information (plus any of the other information outlined in Talking to a Child on page 10 and Reporting on page 13):

- their name
- their telephone number
- their relationship to the child
- any immediate concerns about the child's safety
- the location of the child
- the child's name
- the child's address
- the child's age
- the name and address of the alleged perpetrator and any other identifying information
- when and where the alleged incident took place, if it is disclosed by the child
- a description of the indicators leading the health professional to believe a child is in need of protective services. See Recognizing Child Abuse, pages 5–10
- any additional concerns about the child's safety.

Health professionals and personnel who report suspected abuse might be required to give evidence or produce their records under oath in court, according to Sections 74 and 75 of the *Child Welfare Act*. Therefore, they should make a written summary of any information they give to a child welfare worker for future reference. If a health professional or personnel is involved in the criminal part of the investigation, his or her relevant notes may be ordered to be disclosed to the accused if the notes are included in the criminal investigation.

Health professionals and personnel should be aware that the child, family and other affected individuals might be vulnerable during an investigation. They should continue to provide service and support during this time.

Investigations under the *Child Welfare Act* are conducted by child welfare workers. Investigations not under the *Child Welfare Act* are investigated by police. A child welfare worker involves the police when appropriate. The child welfare worker and police are responsible for notifying the parent/guardian.

Child welfare workers or police conducting an investigation might interview health professionals and personnel who have had contact with the child. Health professionals and personnel must make every effort to co-operate and support the investigation.

Practices in Supporting a Co-ordinated Response

Staff in various health authorities and facilities might identify children who have been abused. A child might exhibit an injury, trauma or other signs of abuse. It is sometimes easy to associate these signs with causes other than abuse. This is particularly true when there is no link made between the child's current injury or trauma and previous visits to the facility. Families might use different hospital emergency departments. Health professionals and personnel in multi-hospital communities should explore ways to share information about cases where a child is the subject.

Every health authority must have a policy outlining roles, responsibilities and the statutory obligations under the *Child Welfare Act* to report a child who might be in need of protective services. The policy should be easily accessible and familiar to staff. Health facilities that do not belong to an authority must have a similar policy which is easily accessible and familiar to staff.

Every authority and non-authority-associated health facility should identify primary liaison people to work with child protective services to support:

- co-ordinated follow-up of cases reported by health professionals and personnel
- participation in interagency responses to child abuse, including representation on local committees, if they exist.

Health professionals and personnel must be committed to working closely with other agencies and individuals to ensure responses are co-ordinated. Health professionals and personnel must be familiar with the reporting and investigating roles and procedures of other ministries and agencies. Following the initial response, the child welfare worker might contact the person who filed the report to provide follow-up support to the child.

The Role of the Physician

In addition to reporting all suspected physical, sexual or emotional abuse, the assessment role of the physician is clearly defined in the *Protocol for Medical Examination of the Abused Child* (Alberta Medical Association, 1998). To obtain the protocol and relevant forms, contact the Alberta Medical Association at (780) 482–2626.

The physician's role is not to conduct a legal interview or obtain details of the abuse from the child but rather to:

- take a pertinent medical history
- ensure the physical and emotional well-being of the patient
- treat or prevent illness or injury
- accurately record spontaneous disclosure/volunteered information
- obtain and document physical findings consistent with abuse or suspicions of abuse
- inform the child and caregivers about the medical outcome of the examination
- assist Child Welfare and law enforcement agencies in their investigations.

The Role of School Personnel

Teachers have ongoing daily contact with children and have professional knowledge and expertise in child development. Frequently, teachers are the first to notice indicators of child abuse due to notable changes in the behaviour and/or physical appearance of their students. All teachers operate under a "duty of care" to their students and must fulfill that duty particularly as it relates to situations in which the child is in need of protective services for any reason outlined under the *Child Welfare Act*. School staff should also be familiar with the procedures described in the *Protocol and Guidelines for Child Welfare Workers and School Personnel*.

Reporting and Investigating Procedures

Reporting

It is mandatory for all school personnel to report every case where there are reasonable and probable grounds to believe that a child has been, or there is substantial risk that he or she will be abused or neglected by a parent/guardian and the child is in need of protective services. See Recognizing Child Abuse, pages 5–10. It is not the duty of school personnel to assess the severity of the abuse but to provide the following information plus any of the other information described on pages 13–14.

- the child's name
- the child's age
- the child's address
- name, address of alleged perpetrator
- when, where alleged incident or disclosure took place
- description of indicators
- additional concerns or information.

The obligation to report is not discharged until the individual has reported directly to a child welfare worker. The teacher should then notify the principal and follow the school's procedures for reporting abuse. School boards must have clear policies and procedures in place that are supported by all staff members. School board and school policy must outline specific reporting responsibilities for all school staff members. It is the responsibility of the initiator of the report to ensure child welfare authorities are notified. There are no provisions in the

Child Welfare Act that provide for a chain of reporting. Teachers do not need specific permission from a principal before making a report directly to Child Welfare. Further, no principal can direct a teacher not to report if the teacher believes abuse exists.

Teachers might want to keep their own record of any report made and any other matters they regard as relevant. However, these records might be used as evidence in certain proceedings and might be accessible to certain parties under the freedom of information legislation.

Notes, reports or written observations on alleged abuse or neglect are to be kept separate from the student's school record and any other record accessible to other staff. Any record made regarding alleged or reported abuse should be kept secure and disclosed only to police or child welfare workers during the investigation process.

A disclosure made by a child to school personnel must be recorded in the child's own words. The record should include observed facts, such as the child's behaviour, actions, comments, persons present at the time and physical marks. School personnel, while continuing to provide support, should not interview the child after receiving the initial disclosure from the child as this could interfere with the investigation.

Investigating

The responsibility for investigating allegations of child abuse rests with child welfare authorities and/or the police. The police and/or child welfare authorities are to co-ordinate their investigations to avoid subjecting the child to repeated interviews. While school board personnel should co-operate with these agencies, they must first and foremost act in the best educational interests of students.

Suspected Abuse by other Students

Abuse by another student is not covered by the *Child Welfare Act*. When allegation or suspicion involves another student or peer as the alleged offender, and the school's investigation establishes it as fact, section 19 of the Alberta *School Act* provides for appropriate disciplinary action, including suspension or expulsion. School procedures should include guidelines for police referrals for criminal offences and/or Child Welfare for protective services if needed.

Suspected Abuse Involving School Personnel

School boards and school personnel must recognize that child abuse can occur within the educational setting. Abuse by school personnel is not covered by the *Child Welfare Act*. Should a school administrator, teacher, volunteer or non-certified personnel be suspected as the perpetrator of abuse, the school board must take immediate action consistent with the nature of the allegation, facts and circumstances.

In circumstances where an investigation is pending or underway regarding a report of child abuse involving a teacher, The Alberta Teachers' Association Professional Code of Conduct does not prevent members from reporting unprofessional conduct against another member of the professional association. Members have no liability for wrongful complaints unless malicious intent is involved. Members are encouraged to contact The Alberta Teachers' Association for advice and assistance on such matters. (Note: Some teachers in private schools are not members of the ATA.)

In addition to an initial report to police, Alberta's *Teaching Profession Act* requires a school superintendent, who has reason to believe that a member has been or might have been convicted of an indictable offence, to report to the executive secretary of The Alberta Teachers' Association. Once a report is made, a professional conduct investigation may be initiated by the association. Teachers in independent or private schools are subject to unprofessional conduct review under the new *Practice Review of Teachers Regulation*.

Interviewing on School Property

The investigating team may request permission from the principal to interview the child on school premises. School personnel are expected to co-operate with the request. It is the responsibility of the investigating team to determine when to notify the parents/guardians. If appropriate, the investigating team should give advance notice to the school principal of their need to visit the school and/or conduct an interview on school premises. Unless the child welfare worker has in hand an apprehension order for the child, the worker has no automatic right to enter the premises, remove a child from a classroom and commence an interview with the child (section 94(4), *Child Welfare Act*). While there is no automatic right for a child welfare worker to utilize school space and education time to interview a student, co-operation is encouraged. It is recommended that the interview be conducted in private unless the child specifically requests that a teacher or parent/guardian be present

on their behalf. Any interviews conducted on school premises must be conducted in ways that minimize any distraction for the student and disruption in the daily operations of the school.

Access to Students

The child welfare worker must consider the needs of the student and needs of the school regarding access issues. As a general rule, child welfare workers are not to use school premises for ongoing case interviews with a child. If the worker needs access to a student during school hours, the reasons should be discussed with the principal to make appropriate arrangements during school hours. Every attempt must be made to minimize any distractions for the student if interviewed on the school premises. Interviews by child welfare workers should not affect the operations of the school, a class, ongoing education of the child or riding the school bus.

Interviews of School Personnel

A student may request that a teacher or principal be present, if the interview takes place at school, to support and offer comfort to the student, in place of the parent/guardian. The teacher or principal may participate in the interview by providing comments or answering questions when specifically requested by the investigating team.

Where the allegation involves a school employee as the alleged offender, the investigating team should contact the appropriate supervisory officer and proceed with the investigation in co-operation with school board officials and if appropriate, the child and parents/guardians. School officials should not interview or advise the alleged offender until after consulting with the investigators. There is no legal requirement of school personnel to notify police of a potential or alleged crime. If there was abuse, the parent/guardian should be the person reporting the matter to the police.

Students with Special Needs

Detecting and investigating cases of child abuse by a parent/guardian becomes more complex when the child has special needs. A child with developmental disabilities, for example, might not recognize abuse or be incapable of articulating what abuse has occurred. In such cases, the teacher's recognition of sudden changes in behaviour, emotional responses or signs of physical abuse might result in the initial report to Child Welfare. The teacher's report should explain the special needs of the child, and the teacher should be available to assist the child and child welfare workers as needed.

Liaison between Child Welfare Workers and School Personnel

Once the initial response to a report is completed, child welfare workers should ensure the school principal (or designate) and the school personnel who made the report are informed and given all information they need to provide education services to the child.

Justice and Attorney General

The Role of Justice and Attorney General

Alberta Justice and Attorney General is responsible for administrating the justice system. The police must investigate all cases of reported abuse where it is believed an offence has been committed under the *Criminal Code of Canada*. Crown prosecutors act on behalf of the citizens of Alberta. Their mandate is to conduct the prosecution of all persons charged with criminal or provincial statute offences where there is a reasonable likelihood of conviction once the evidence is considered and it is in the public interest to proceed. Correctional Services is responsible for administering court decisions, such as community supervision or a prison sentence.

Reporting Responsibilities and Procedures

All criminal justice personnel have the same obligation as other citizens to report suspected child abuse by a parent/guardian to a child welfare worker. Where a criminal offence is suspected, a report must be made to the police. The following should be reported to police:

- injuries to a child believed to be the result of physical abuse
- sexual abuse or exploitation of a child
- cases where a child's whereabouts are unknown and where the child is believed to be in need of protective services.

The Police

Criminal Investigation

The police conduct a criminal investigation in every case of child abuse where there are reasonable grounds to believe a criminal offence has been committed. This involves gathering evidence to establish the facts and preparing for criminal proceedings where appropriate. The assigned police officer decides how to proceed with the criminal investigation to ensure evidence is properly gathered and preserved. This might require a prompt response by police authorities.

All relevant information and evidence gathered by the police is disclosed to the defendant prior to trial. If possible, the same officer should handle the case from beginning to end.

Note: *The identity of the individual who reports possible child abuse might not be confidential in a criminal trial because child welfare information might have been obtained by order of the Court or it might form part of the prosecution file and must be disclosed to the accused if requested by the accused or ordered by the Court.*

Receipt of Complaint

When police receive a report about an alleged criminal offence where the victim is a child, the responding officer should ensure the Canadian Police Information Centre (CPIC) and other police records and sources are checked concerning the alleged offender. Any available information should be reviewed prior to proceeding with the criminal investigation. The responding officer should also confirm the complaint and ensure the situation is safe for the moment.

The police officer should contact a child welfare worker to determine whether there will also be a child protection investigation. If so, police and Child Welfare should co-ordinate the investigation of the criminal and child protection issues. The investigation must commence without delay if the child or other children are at risk, or if evidence could be lost.

If the investigating officer believes that the parent/guardian is not taking reasonable steps to protect the child from an alleged perpetrator, the officer must report the matter to Child Welfare.

Meeting with the Child Welfare Worker

The police officer and the child welfare worker should discuss where and how the investigation should be handled and the roles assumed by each. The police have responsibility for the criminal investigation and the laying of charges, while responsibility for protection of the child resides with the child welfare worker. Available background information should be shared. See pages 39–44 for more on co-ordinated investigations.

Seeing the Child

The interview of the child should be conducted jointly by the police and the child welfare worker if possible, with the police officer assuming the primary role. A neutral location for the interview should be selected in consideration of the child's needs. A police officer wearing plain clothes might seem less intimidating to a child than a uniformed officer. Time should be taken at the

beginning of the interview to establish trust so the child feels comfortable and willing to talk to the child welfare worker and police officer.

Medical Examination of the Child

A medical examination should be arranged if physical injuries are observed or sexual abuse is suspected and it is believed that a medical examination is appropriate. Because it is essential that all evidence be properly obtained and preserved, physicians who have experience and expertise in this area should be used whenever possible. Photographs of visible physical injuries should be taken to assist in the prosecution of the case.

Interview with any Non-offending Parent/Guardian

Police should interview any non-offending parent/guardian to obtain further information about the child, the alleged abuser and any knowledge of the alleged abuse.

Police should gather as much information as possible about the family for a better understanding of the situation. A detailed background of the alleged abuser will help police prepare for the interview. If there is a local victim's assistance unit, police should immediately refer any non-offending parent/guardian and the child. The police may also take protective action under the *Protection Against Family Violence Act*.

Interviewing other Witnesses

After interviewing other witnesses, the police should share information with the child welfare worker if the information is relevant to the investigation or to protection of the child.

Gathering and Preserving Evidence

The investigation should include interviews with all others who might have information about the alleged abuse. This may include other children in the home, family, friends, neighbours, school personnel or day care workers.

The police should interview the alleged offender when charges might be laid. When interviewing the alleged offender, police must advise the suspect of his or her rights under the *Canadian Charter of Rights and Freedom,* if the suspect has been arrested or detained. If the alleged offender is a youth, the requirements of Section 56 of the *Young Offenders Act* must be complied with when taking a statement.

The police ensure all evidence is obtained in a manner which will ensure its admissibility in court.

Laying a Charge

If the police believe an offence has been committed, a charge should be laid as quickly as possible under the *Criminal Code of Canada*. Police must decide whether to make an arrest or issue an appearance notice. For an arrest, police must consider all circumstances leading up to the charge, including the prevention of further offences. If police do not believe an arrest is necessary, they must issue an appearance notice. The notice will require the accused to report for fingerprinting on a certain date and to appear in court at a later date.

When a criminal investigation has been completed, but criminal charges have not been laid under the *Criminal Code of Canada*, police should consider charging the accused under Section 95 of the *Child Welfare Act*.

Victim Assistance and Court Support

Police victim assistance programs provide services to children who are victims of crime and who might be required to testify in court. The services include crisis intervention, practical assistance, referrals, and court room education and support.

The Crown

When *Criminal Code of Canada* charges are laid against the accused, the Crown reviews the evidence and if necessary, requests additional information from the police. The Crown is responsible for prosecuting the case in criminal court. In order to obtain a conviction, the Crown must prove beyond a reasonable doubt that the accused is guilty of the offence.

Dealing with the Child Witness

A Crown prosecutor who is assigned to prosecute a case involving a child victim should try to speak with the child and any expert witnesses prior to the court date.

If the case proceeds from a preliminary inquiry in Provincial Court to a trial in the Court of Queen's Bench, wherever possible the same prosecutor should be retained. Crown prosecutors might also refer child witnesses to victim service units or support groups.

Correctional Services

The mandate of Correctional Services is to protect society from persons who engage in criminal behaviour by supplying a range of community supervision and custodial programs. Correctional Services also provides offenders with assistance and opportunities to become law-abiding citizens.

Reporting

Sometimes, a youth worker or probation officer receives information regarding allegations of abuse. These allegations might come from the victim, a non-offending family member or others, such as neighbours or agency staff. The allegations might arise during an authorized investigation, or in the course of supervising a youth. The youth worker or probation officer will report directly to a child welfare worker if he or she believes a youth is in need of protective services. If the youth worker or probation officer believes that a crime has been committed, he or she also reports his or her concerns to the police. The following should be reported to police:

- injuries to a child believed to be the result of physical abuse
- sexual abuse or exploitation of a child
- cases where a child's whereabouts are unknown and where the child is believed to be in need of protective services.

Access to Personnel and Youth

Youth workers or probation officers are available to provide information to the child welfare worker and police. They also help to arrange interviews for the child welfare worker or police with the youth at young offender centres or probation offices.

Young Offender Complaints

If a youth reports abuse by someone employed by, contracted by or volunteering for Alberta Justice and Attorney General, the procedures set out in Section 12 of the *Young Offender Protocol* are to be followed. The *Young Offender Protocol* is available at all community corrections offices and young offender facilities.

Co-ordinated Investigations Involving the Police, Child Welfare Worker and Others

The child welfare worker investigates reports of parent/guardian abuse to determine whether a child is in need of protective services. If there is a need, the worker takes steps to protect the child who is always the priority.

Timeframes for conducting child protection investigations are important, particularly initial contacts with the child. If it appears the child is facing imminent danger, the investigation is started immediately.

Only duly-appointed child welfare workers may decide whether a child is in need of protective services. Other persons involved in the investigation may assist the child welfare worker in making such a decision by providing advice, observations or information. In an emergency situation, the police may apprehend without an order under the *Child Welfare Act*.

If the worker believes a criminal offence might have occurred, the worker must refer the matter to the police. The police will investigate to determine whether an offence has been committed under the *Criminal Code of Canada*. The following should be reported to police:

- injuries to a child believed to be the result of physical abuse
- sexual abuse or exploitation of a child
- cases where a child's whereabouts are unknown and where the child is believed to be in need of protective services.

It is crucial for the child welfare worker, police and others to collaborate when conducting a joint child protection and criminal investigation. Joint interviews enable both the worker and police to obtain information without repetitive interviews of the child. Whenever practical, the worker and police should take a co-ordinated approach to the interview and investigation.

In joint child protection and criminal interviews, the child welfare worker and police officer decide whether anyone else should participate. An investigative interview can be threatening for a child. Careful consideration must be given to who participates in

the interview; their roles must be clarified. Interview participants must also be sensitive to the child's cultural and linguistic background.

In conducting a co-ordinated investigation, it is important that the child welfare worker and police officer share the information necessary to effectively conduct their investigations. In general, records are made by "persons responsible for the investigation or prosecution of the offence." They are not protected by considerations of privacy or confidentiality except as provided in criminal law.

It is not necessary or desirable that information from files not directly related to the investigation be shared with police. Control and custody of the files of other government and private participants in the co-ordinated investigation must remain in the control and the custody of the respective participant. See pages 17–18 for more on confidentiality.

Although police and other participants in the investigation work in a co-ordinated fashion, their respective roles and objectives are distinct.

- The police officer is responsible for the criminal investigation and the information collected in the process of that investigation will be disclosed to the offender if charges are laid.
- The child welfare worker is responsible for the child protection investigation and the information collected for that purpose is subject to statutory confidentiality requirements and court disclosure orders.

Investigation Procedures

Gathering Related Information

The child welfare worker checks child welfare records for information on previous child welfare services. To help determine whether a child is in need of protective services, the worker may contact other sources, such as:

- school staff
- day care operators
- extended family and friends
- First Nations social services staff
- Metis Settlement social services staff
- Metis Children's Services staff
- physicians and counsellors
- public health officials
- hospital staff
- police officers

- corrections officers.

The information and records collected by the child welfare worker at this stage of the investigation are confidential and remain in the custody and control of Child Welfare.

Notifying Police

The child welfare worker reports to the police if he or she thinks that an offence has been committed under the *Criminal Code of Canada*. The following should be reported to police:

- injuries to a child believed to be the result of physical abuse
- sexual abuse or exploitation of a child
- cases where a child's whereabouts are unknown and where the child is believed to be in need of protective services.

The child welfare worker includes in the report to police the following information:

- the child's name
- details of the alleged abuse
- the name and address of the alleged perpetrator and any other identifying information about when and where the alleged offence took place, if this is part of the disclosure by the child
- any additional, relevant information necessary to start police involvement.

If it appears that a criminal offence has been committed by someone from outside the child's home, the child welfare worker advises the person reporting the abuse to contact police. The worker contacts police to ensure the report was made.

The police collaborate with the child welfare worker where there are child protection issues arising out of the criminal investigation when police believe the child might be at risk because of the action or inaction of the parent/guardian.

Planning the Investigation

Planning is crucial to ensure the investigation is co-ordinated, and child protection and criminal evidence is properly gathered and preserved. Child welfare workers and the police should be in contact as soon as possible to prepare a joint approach to the investigation. In urgent cases, this can be done by telephone. Workers, police and anyone else involved in the investigation should make sure their roles and responsibilities are clarified. It is essential that everyone involved share

their resources, expertise and relevant information throughout the investigation.

Note: *All information or records collected in a criminal investigation could be subject to disclosure to the accused. In recognition of the legitimate privacy interests of the child (and other individuals) involved in the criminal part of the investigation, care must be taken to ensure that information which is unrelated to the criminal investigation does not become incorporated into the criminal investigation and that it remains in the custody and control of the child welfare worker.*

Maintaining Proper Records

Throughout the investigation, the child welfare worker and police should take accurate and timely notes. Electronic recordings may be used.

Interviewing the Child

Once a child protection investigation has started, the child welfare worker sees the child as soon as possible. The worker and the police, if they are involved, should jointly interview the child in a neutral setting whenever possible. An effective interview should occur in an environment that encourages the child to speak freely about sensitive and potentially threatening personal matters. If a joint interview is not practical, the reasons should be recorded.

If possible, the joint interview should be videotaped, especially if sexual abuse is suspected. The Protocol Relating to Section 715.1 of the *Criminal Code of Canada* should be followed. See Appendix C, pages 55–57 for the protocol.

If the child has a developmental delay, physical disability or speech impairment, a professional with expertise in the disability should be consulted or brought in to help with the interview. If the child or family speaks a different language, interpreters might be necessary.

Generally, all other children living in the home should be interviewed to determine whether they are in need of protective services. Interviews of other children should follow the same process as for the child originally interviewed.

All information or records collected in a criminal investigation could be subject to disclosure to the accused if an investigation leads to a charge being laid. In recognition of the legitimate privacy interests of the other

children in the family or adults living with the abused child who might be interviewed as part of the criminal investigation, care must be taken to ensure that information which relates only to the issue of protection or care of the child and which is unrelated to the criminal charge does not become incorporated into the criminal investigation.

It is in the child's best interests to be interviewed by child welfare workers and police who are trained and authorized to carry out such investigations. However, the co-operation of other professionals throughout the investigation is essential for a co-ordinated and effective response.

Medical Examination of the Child

When physical injuries are observed or when sexual abuse is disclosed, the child welfare worker arranges for the child to have a medical examination. If the child is incapable of giving consent, consent should be obtained from the parent/guardian prior to the examination. A non-offending parent/guardian should attend the examination. If the parent/guardian refuses to consent to the examination, the child might have to be apprehended in order to obtain the examination. If a child is capable of consenting and refuses, he or she cannot be compelled to submit to a medical exam.

Where possible, the child welfare worker should consult with the police and the examining physician to ensure that photographic and physical evidence is properly gathered and preserved. Doctors who have experience and expertise in this area should be used whenever possible. If the examination involves a child with a disability, it is advisable to find a hospital or doctor experienced in helping children with disabilities. The local health unit might be able to suggest a hospital or doctor in the community.

Contact with any Non-offending Parent/Guardian

Any non-offending parent/guardian should be interviewed as soon as possible to determine whether he or she is able and willing to protect the child in the home, given the circumstances. The interview should be conducted jointly by the child welfare worker and the police officer wherever possible. The police might assist by taking action under the *Protection Against Family Violence Act.*

Contact with the Alleged Offender

If it appears to police that a criminal offence has been committed, the police should interview the alleged offender as soon as possible. The

police should assist the child welfare worker in providing necessary protection for the child from the alleged offender. Police should also provide information from the interview with the alleged offender to the child welfare worker. Prior to the police interview, the child welfare worker should have as little contact as possible with the alleged offender, except when required to fulfil a legal mandate, such as serving a notice of apprehension.

If it appears that an offence has been committed and legal grounds exist, police should be prepared to arrest the alleged offender. If it appears that abuse might have occurred and a non-offending parent/guardian is able to protect the child, the alleged offender should be strongly encouraged to leave the home voluntarily. Other options include removing the child or obtaining a protection order under the *Protection Against Family Violence Act*. If the alleged offender is arrested, one term of release could be that he or she not live at the home.

Police should inform the child welfare worker involved in the investigation about the actions they take, especially arrest details, such as charges laid and conditions of bail. Consideration should be given in each case to obtaining a no-contact condition on any bail order granted.

After the Criminal Part of the Investigation

Once the joint investigation ends, information and records collected for the purposes of Child Welfare remain in the custody and control of Child Welfare to be dealt with in accordance to the *Child Welfare Act* and the *Freedom of Information and Protection of Privacy Act*.

If, after the joint investigation ends, Child Welfare collects information which may be relevant to, or evidence of, the commission of an offence, Child Welfare must forward that information to police and it becomes part of the joint investigation file information.

Investigations Involving Aboriginal Children

When investigating a report about an Aboriginal child, the child welfare worker must involve the child's community if possible. If the child is on a reserve or settlement that has a delegated child welfare agency, that agency conducts the investigation. If the child is on a reserve that does not have a child welfare agency, the child welfare worker should involve the band's child welfare designate as soon as possible. If the child is off-reserve, Metis or Inuit, the child welfare worker should ask the parent/guardian for consent to involve the relevant Aboriginal community. With consent, the worker should involve the community's child welfare designate as soon as possible.

The Ministry of Children's Services intranet site lists First Nations agencies in Alberta which have a delegated child welfare authority [http://fsswebd1/childpers/programs/cfst/].

Ordinarily Resident on Reserve or Metis Settlement

A child might be ordinarily resident on a reserve or Metis settlement but be off temporarily. To determine whether the child is ordinarily resident, the child welfare worker considers whether the custodial parent/guardian:

- is away for education purposes, or to access a health or social service not available on the reserve or settlement
- intends to return to the reserve or settlement
- considers the reserve or settlement home
- votes in band elections.

If the child is from a reserve or settlement that has a delegated child welfare agency, the child welfare worker should co-ordinate the investigation and subsequent services with that agency. If the child is from a reserve that does not have a delegated child welfare agency, the child welfare worker must consult with the band's child welfare designate before applying for a supervision or guardianship court order, according to the *Child Welfare Act.*

Not Ordinarily Resident on Reserve

If the child is a member of a First Nation but does not live on the reserve, the child welfare worker must ask the parent/guardian to consent to consultation before applying for a supervision or guardianship court order. With consent, the worker must consult with the band's child welfare designate, according to the *Child Welfare Act*.

If the child is Aboriginal but not a member of a First Nation, the worker should ask the parent/guardian to consent to consultation with the relevant Aboriginal community before applying for a supervision or guardianship court order.

If the Court issues a supervision or guardianship order regarding a member of a First Nation, the worker must provide a copy of the order to the band's child welfare designate, according to the *Child Welfare Act*.

Promoting Well-being and Preventing Abuse and Neglect

There is no better way to deal with child abuse and neglect than to stop it before it happens. That way, the harm to a child is never done and, especially when community professionals promote healthy relationships, the family involved can become a stronger, more nurturing place in which to grow.

All parents/guardians face challenges from time to time in bringing up their children. That is when prevention services are of the most value in helping families learn to cope with problems and issues.

To be *effective*, promotion and prevention activities recognize the different needs and concerns children have at various ages and development stages. And, as with other responses to child abuse and neglect, promotion and prevention measures are most effective when they are developed and delivered in a collaborative manner, involving families and communities, as well as service providers from all sectors — education, health, justice, child care, social services and recreation.

The principles that guide prevention and early intervention initiatives are:

- build capacities of individuals, families and communities to promote healthy relationships
- enable people to take control of their health and social well-being
- focus on the underlying factors and conditions that affect health and social well-being
- develop policies and practices that support the well-being and safety of all children.

Promoting Children's Well-being

Professional service providers can promote children's well-being on two levels: making society a better place for children, and making families and relationships healthier for children.

There is a wide range of activities. Communities and professionals can undertake to address societal causes of abuse and neglect through activities, such as programs to reduce child poverty, measures to stop discrimination, and initiatives to strengthen a community's ability to support families and children.

We can also work at a more direct, immediate level to promote healthy relationships and encourage effective parenting skills. These activities focus on every stage of a child's development.

Wellness promotion begins even before a child is born by providing information, prenatal community-based services and family-friendly environments to promote prenatal planning, healthy pregnancies and parent education activities.

People working with children must aim to create environments in which all children have opportunities to reach their potentials and become lifelong learners and healthy, productive citizens. As children grow towards adulthood, promote healthy development of youth with peer-involvement initiatives, social networks and opportunities for youth to participate in creating healthy communities.

Preventing Child Abuse and Neglect

While professional service providers would all hope such actions could eliminate abuse and neglect, the reality is that more direct involvement is still needed — involvement that improves protection and decreases risk factors for children, families and communities.

Such direct prevention/early intervention activity includes parent support activities, awareness raising, education, and ensuring children's safety in settings inside and outside the home. In order to be effective, these activities should:

- be collaborative and integrative
- support and involve children and families
- strengthen the environments in which children and families live
- be sensitive to the issues of diversity and inclusiveness.

Providing Additional Support

Some children and families need more support than others, often because of factors that increase the risk of abuse or neglect. Services and activities are available to help them cope. They include:

- providing support for children with a variety of needs, through such initiatives as infant development programs, quality child care, special educational services, counselling services, respite services and recreational services

- helping ensure healthy babies by preventing problems, such as poor prenatal nutrition or the abuse of alcohol or other drugs during pregnancy
- helping parents/guardians with limited resources find affordable housing, quality child care, recreational opportunities for their children, proactive counselling and preventive health services in their communities
- providing respite and home care services for parents/guardians with few resources or little support
- encouraging the development of peer support groups and networks of parents/guardians, in order to build parents'/guardians' capacity to provide caring and nurturing environments.

Developing Awareness

Awareness and information can be powerful allies in fighting abuse and neglect. Prevention activities include raising awareness among children, parents/guardians, service providers and the public about:

- the differences between physical abuse and discipline
- the effects of sexual abuse and inappropriate sexual behaviour on children
- alternatives to corporal punishment
- standards of care for children in Canada
- ways to nurture healthy child development
- how to find resources to assist in parenting and promote the optimum healthy development of children.

Workshops and classes on parenting and child care are offered throughout the province by public health staff, child and youth mental health staff, school district staff, child care support programs, community-based agencies, community colleges and volunteer groups.

Children and Youth

In Alberta, many resources and programs are geared to developing awareness and skills in children and youth. For example, police/school liaison officers deliver education programs designed to street-proof children and prevent child abuse and neglect.

Some programs are specialized; e.g., helping children and youth with disabilities become more aware of healthy sexuality and sexual abuse prevention. Others examine issues around dating violence, provide youth with information on birth control and offer a safe haven for children to help address stranger danger.

Appendix A: *Child Welfare Act* Definition of a Child in Need of Protective Services

From Section 1 of the *Child Welfare Act*

(2) For the purposes of this *Act*, a child is in need of protective services if there are reasonable and probable grounds to believe that the survival, security or development of the child is endangered because of any of the following:

(a) the child has been abandoned or lost;

(b) the guardian of the child is dead and the child has no other guardian;

(c) the guardian of the child is unable or unwilling to provide the child with necessities of life, including failing to obtain for the child or to permit the child to receive essential medical, surgical or other remedial treatment that has been recommended by a physician;

(d) the child has been or there is substantial risk that the child will be physically injured or sexually abused by the guardian of the child;

(e) the guardian of the child is unable or unwilling to protect the child from physical injury or sexual abuse;

(f) the child has been emotionally injured by the guardian of the child;

(g) the guardian of the child is unable or unwilling to protect the child from emotional injury;

(h) the guardian of the child has subjected the child to or is unable or unwilling to protect the child from cruel and unusual treatment or punishment;

(i) the condition or behaviour of the child prevents the guardian of the child from providing the child with adequate care appropriate to meet the child's needs.

(3) For the purposes of this *Act*,

(a) a child is emotionally injured

(i) if there is substantial and observable impairment of the child's mental or emotional functioning that is evidenced by a mental or behavioural disorder, including anxiety, depression, withdrawal, aggression or delayed development and

(ii) if there are reasonable and probable grounds to believe that the emotional injury is the result of

(A) rejection

(B) deprivation of affection or cognitive stimulation

(C) exposure to domestic violence or severe domestic disharmony

(D) inappropriate criticism, threats, humiliation, accusations or expectations of or towards the child or

(E) the mental or emotional condition of the guardian of the child or chronic alcohol or drug abuse by anyone living in the same residence as the child;

(b) a child is physically injured if there is substantial and observable injury to any part of the child's body as a result of the non-accidental application of force or an agent to the child's body that is evidenced by a laceration, a contusion, an abrasion, a scar, a fracture or other bony injury, a dislocation, a sprain, hemorrhaging, the rupture of viscus, a burn, a scald, frostbite, the loss or alteration of consciousness or physiological functioning or the loss of hair or teeth;

(c) a child is sexually abused if the child is inappropriately exposed or subjected to sexual contact, activity or behaviour including prostitution related activities.

Appendix B: Suggested Guidelines for Interviewing the Child Victim

Experience and research confirms that the quality and intensity of the initial interview following the disclosure of abuse has a direct affect upon the successful resolution of the crisis experienced by the child. The following section highlights guidelines for interviewing the child victim of abuse or neglect.

The interviewer must perform the difficult task of making it as easy as possible for the child to relate traumatic experiences, and at the same time avoid leading the child. Questions are leading if they suggest information and responses that the child has not yet volunteered. Everyone who interviews child victims of alleged abuse must be knowledgeable about child abuse and trained in interviewing. The purpose of the initial interview of the child is to substantiate the need for protective services, assure protection of child and determine whether an offence has occurred.

A review of the various guidelines developed within other jurisdictions (The Metro Toronto Special Committee on Child Abuse — Guidelines and Procedures for a Co-ordinated Response to Child Sexual Abuse in Metropolitan Toronto, and the Province of British Columbia's Inter-Ministry Child Abuse Handbook) stresses the importance of co-ordination among those with a responsibility to investigate. Where more than one person is investigating (child welfare worker and police), they should arrange for the child to be interviewed jointly. Without this co-ordination, it is possible that two or more interviews of the victim would be required by each system pursuing its own responsibility. Joint interviews enable both the police and the child welfare worker to secure the information each requires without repetitive interviews of the victim. In addition, if the taped information is supplied to the examining physician, the physician can avoid asking the child the same questions.

The interview of the child should take place in a neutral setting, consider the needs and best interests of the child, and be sensitive to the child's cultural and linguistic heritage. The interviewer must remain calm and non-judgemental when abuse is disclosed. The interviewer should be as well-informed as possible about the situation before conducting the interview. It helps to know who the child's family members are, where

the child lives and goes to school, from whom the allegations of abuse arose, and the details of the allegations.

Taping, especially videotaping, is recommended for joint child protection/criminal interviews. The attached protocol relating to section 715.1 of the *Criminal Code of Canada* (Appendix C) should be followed when videotaping. It creates a permanent record of the interview which can be assessed by various experts and can prevent the need for various interviews. If the interview is to be videotaped or audiotaped, the child should be told and allowed to try out the taping equipment.

If the interview involves a child with a disability or special need that affects the child's ability to communicate and an interpreter is present to assist, the role of the interpreter should be recorded on tape as well as the questions asked of the child through the interpreter and the responses received from the child through the interpreter.

The first portion of the interview should be devoted to helping the child feel comfortable and establishing rapport. However, the major portion should be devoted to obtaining the child's account of the events. The interviewer should approach this part of the interview from a *blind* perspective to avoid leading the child. It is important to let the child set the pace of the interview and back off and switch to another topic if the child becomes upset.

Any aids used to enable the child to convey abusive events should be non-suggestive. While some professionals support the use of anatomically correct dolls, others believe that there has not been enough research on how children who have not been sexually abused play with these dolls. Therefore, dolls should be used only with caution, by practitioners specifically trained in their use and in those cases where very young or developmentally delayed children might not be able to describe events any other way.

Note: *Only duly-appointed child welfare workers are to conduct child protection investigations.*

Appendix C: Protocol Relating to Section 715.1 of the *Criminal Code of Canada*

Introduction

Bill C-15 came into effect January 1, 1998. It gives evidentiary status to videotaped interviews of child sexual assault/abuse victims. This legislation imposes upon involved agencies a responsibility to respond in a positive manner.

Alberta Justice, police agencies, and Alberta Family and Social Services are mandated to deal with child sexual assaults. It is most important that each appreciate the mandate of the others and provide whatever assistance they can to each other. In order to avoid repeated interviews of the victim and to maximize the use of resources, it has been agreed that a protocol relating to the sharing of resources in the videotaping of such interviews, and the training and conduct of such interviews is appropriate. Interviews are to be conducted so as to be suitable for both criminal and civil proceedings. Inherent in this arrangement is the necessity of close collaboration among agencies.

This protocol is written in general terms, descriptive and not prescriptive, in order to allow sufficient flexibility for local adaptations. It addresses only the matter of videotaping disclosure statements of child sexual assault victims. It is not meant to replace existing protocols but rather to be used in conjunction with them.

** *Wherever the word "assault" appears in this Protocol, the word "abuse" can be substituted.*

Principles

It is recognized as important in the sexual assault cases involving victims under 18 years of age that may be brought before a court (criminal or family) that:

1. The videotaped interview take place as soon as possible after the allegation of a sexual assault, recognizing the different legislated time constraints that affect certain agencies.

2. The number of times the victim is interviewed about the incident be kept to a minimum in order to reduce the potential trauma to the victim. Subsequent judicial proceedings may also be jeopardized by the existence of multiple statements or videotapes pertaining to the alleged sexual assault.

3. The victim feels as comfortable as possible during the interview.

4. The videotaped interview is conducted in such a way as to be admissible in court without weakening its effectiveness.

5. The videotaped interview is conducted in such a way as to be useful to those who may be subsequently involved in treating or counselling the victim.

6. There be a clear statement as to who will maintain possession of the original videotape and who will be entitled to a copy.

Procedure

Where there is a possibility that a sexual assault of a person under the age of 18 years:

(a) may be brought before a Court; or

(b) the victim might require treatment or counselling.

1. If the complaint is made known to a child welfare worker in the Ministry of Family and Social Services, the applicable police agency should be notified immediately (or vice versa) in order that a mutually determined time for a videotaped interview of the victim be set as early as possible. If appropriate, members of both the local police agency and the Ministry of Family and Social Services should be present for the interview.

2. Without incurring any risk of danger to the victim or jeopardizing any criminal investigation, interviews of the victim prior to the videotaped interview should be kept to a minimum. Prior interviews will be necessary to determine the nature of the alleged sexual assault, ensure the safety of the victim, determine any necessary immediate treatment for the victim and secure evidence that may be lost by a delay.

3. All videotaped interviews should take place in a "soft" (i.e., family) interview room whenever possible. In areas where local police agencies have soft rooms available and prepared for videotaping interviews, these rooms should be used. In many areas, local police agencies do not have soft rooms. In those areas where the Ministry of Family and Social Services has soft rooms available, these rooms should be used for the interview. In areas of RCMP jurisdiction, RCMP will provide the mobile videotaping equipment and operators when required.

4. One person should assume the primary role when a videotaped interview is conducted. This person should be trained in the taking of such interviews, particularly in the admissibility of evidence before a Criminal or Family Court.